

JOSHUA D. DAVIDSON (6713)
Assistant Utah Attorney General
SEAN D. REYES (7969)
Utah Attorney General
160 East 300 South, Sixth Floor
P.O. Box 140856
Salt Lake City, Utah 84114-0856
Telephone: (801) 366-0100
Facsimile: (801) 366-0101
E-mail: jddavidson@utah.gov

FILED
U.S. DISTRICT COURT

2015 AUG 20 A 10: 21

DISTRICT OF UTAH

BY: _____
DEPUTY CLERK

Counsel for Providence Hall Charter School, Defendant

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH, CENTRAL DIVISION

ERIN PRESTON,

Plaintiff,

v.

PROVIDENCE HALL CHARTER
SCHOOL,

Defendant.

**NOTICE OF REMOVAL OF A CIVIL
ACTION FROM STATE COURT TO
FEDERAL COURT**

Case: 2:15cv00589

Assigned To : Parrish, Jill N.

Assign. Date : 8/20/2015

**Description: Preston v. Providence Hall
Charter School**

Pursuant to 28 U.S.C. §§ 1331, 1441(a) and 1446, PLEASE TAKE NOTICE that Defendant, Providence Hall Charter School ("Defendant"), hereby removes the above-entitled action from the Third Judicial District Court, Salt Lake County, State of Utah to this Court. The grounds for removal are as follows:

1. On August 6, 2015, Plaintiff, Erin Preston, filed and served a First Amended Complaint (hereinafter "Amended Complaint") in the Third Judicial District Court, Salt Lake County, State of Utah, in Case No. 150900722. A true and correct copy of the Amended Complaint is attached hereto as Exhibit A.

2. Plaintiff's Amended Complaint contains causes of action against Defendant for alleged violations of federal civil rights under 42 U.S.C. § 1983.

3. Plaintiff's original Complaint, filed on January 1, 2015, did not contain any claims for relief under 42 U.S.C. § 1983, or any other federal law.

4. Based on Plaintiff's allegations of violations of federal civil rights, this Court has original jurisdiction of the above-entitled action pursuant 28 U.S.C. §1331, and this action may be removed to this Court pursuant to 28 U.S.C. §1441(a).

5. Removal of this action is timely. Fewer than thirty days have elapsed since the Plaintiff filed and served, and Defendant received, the Amended Complaint. The Amended Complaint was the first pleading from which it was ascertained that the case is one that has become removable. *See* 28 U.S.C. §1446(b)(3).

6. Pursuant to 28 U.S.C. §1446 (a), a copy of all process, pleadings and orders that have been served on Defendant are attached hereto as Exhibits A, B, C, and D.

WHEREFORE, Defendant submits this Notice that the above-entitled matter is hereby removed from the Third Judicial District Court in and for Salt Lake County, State of Utah, in accordance with the provisions of 28 U.S.C. § 1446.

DATED this 20th day of August, 2015.

SEAN D. REYES
Utah Attorney General

/s/ Joshua D. Davidson
JOSHUA D. DAVIDSON
Assistant Utah Attorney General
Attorney for Defendant

CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of August, 2015, a true and correct copy of the foregoing **NOTICE OF REMOVAL OF A CIVIL ACTION FROM STATE COURT TO FEDERAL COURT** was sent via U.S. mail, first class, postage prepaid, and electronic mail to the following:

Lauren I. Scholnick
lauren@utahjobjustice.com
Jonathan K. Thorne
jonathan@utahjobjustice.com
STRINDBERG & SCHOLNICK, LLC
675 East 2100 South, Suite 350
Salt Lake City, UT 84106
Attorneys for Plaintiff

and via hand delivery to:

Clerk of Court
Third Judicial District Court, Salt Lake County
450 South State Street
Salt Lake City, UT 84114

/s/Marie B. Lujan